

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MERVIN MUNIZ,

Petitioner,

v.

JOHN POWELL, et al.,

Respondents.

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Civil No. 13-178 (MAS)

MEMORANDUM AND ORDER

This matter has come before the Court on Petitioner's submission of a Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2254. It appears that:

1. This Petition was previously terminated because Petitioner did not pay the filing fee or submit a completed application to proceed *in forma pauperis*. [Docket Entry 3.]
2. Petitioner has now submitted an application to proceed *in forma pauperis*. [Docket Entry 4.]
3. Petitioner's newly filed papers consist of the following: (1) an application to proceed *in forma pauperis* to be used by a prisoner in the filing of a civil complaint, undated by Petitioner but signed by an official at Bayside State Prison on January 8, 2013; (2) an Affidavit of Poverty and Certification (Habeas Corpus), dated March 20, 2013 by Petitioner but unsigned by a prison official; (3) one page of a Bayside State Prison Trust Account Statement (marked "Page 1 of 5") which does not provide the requisite account information; and (4) an Inmate Remedy System Form by which he requested account information, dated December 7, 2012.

4. The newly filed application does not comply with the requirement that the Petitioner must provide certified account information to provide (1) the amount presently on deposit and (2) the greatest amount on deposit during the preceding six month period.

See Local Civil Rule 81.2(b).

5. Petitioner's renewed application to proceed *in forma pauperis* will be denied, without prejudice to Petitioner curing the defects to the application within thirty days.

IT IS THEREFORE on this 23rd day of April, 2013,

ORDERED that the Clerk shall reopen this matter by making a separate entry on the docket to indicate that the matter has been reopened; and it is further

ORDERED that Plaintiff's application to proceed *in forma pauperis* is hereby DENIED, without prejudice; and it is further


ORDERED that Petitioner's petition for a writ of habeas corpus shall be administratively terminated; and it is further

ORDERED that the Clerk of the Court shall supply to Petitioner a blank form Application to Proceed *In Forma Pauperis* in a Habeas Corpus Case, for use by a prisoner; and it is further

ORDERED that, if Petitioner wishes to reopen this action, he shall so notify the Court within 30 days of the date of entry of this Order, in writing addressed to the Clerk of the Court, Clarkson S. Fisher U.S. Courthouse and Federal Bldg., 402 East State Street, Trenton, New Jersey 08608; Petitioner's writing shall include either: (1) a complete *in forma pauperis* application, including a certification of Petitioner's institutional account, as required by Local Civil Rule 81.2(b); or (2) the \$5.00 filing fee; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Petitioner by regular U.S. mail; and it is finally

ORDERED that the Clerk of the Court shall close the file in this matter.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE